

REMARKS**Summary of the Office Action**

The title of the invention is objected to as allegedly not being descriptive.

Claims 9 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,542,445 to Ijichi et al. (hereinafter "Ijichi").

Claims 10-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ijichi.

Summary of the Response to the Office Action

The title of the invention has been amended in light of the Examiner's comments in the Office Action. No claims are amended or canceled. Accordingly, claims 9-18 remain pending for consideration.

Objection to the Title

With regard to the objection to the title as allegedly not being descriptive, the title of the invention has been amended in light of the Examiner's comments in the Office Action. In particular, Applicants have amended the title in the instant Amendment to read: "APPARATUS FOR EDITING MANAGEMENT INFORMATION TO BE RECORDED ON AN INFORMATION STORAGE MEDIUM." Withdrawal of the objection to the title is thus respectfully requested.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 9 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ijichi. Claims 10-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Ijichi. Ijichi is a patent that issued from prior U.S. publication no. US 2002/0093886.

Applicants note that this publication was cited in a European Search Report dated July 2, 2003 as an “A” reference that was cited merely for “technological background.” The European Search Report including this publication was filed in an Information Disclosure Statement in this application on August 5, 2003.

Ijichi is directed to a method and apparatus for reproducing a plurality of main data on a recording medium in a desired sequence specified as a playlist by a user. The playlist is recorded in a management region of the recording medium. However, Ijichi’s general teaching of organizing individual pieces of “main data” into a playlist is a conventional approach that is discussed in the Background of the Invention portion of the instant application.

Embodiments discussed in the instant application advance beyond the conventional playlist approach by recognizing that when many songs are recorded on a disc, it becomes difficult for a user to perform editing of tracks among various playlist information on a disc. See, for example, page 3 of the instant application. However, by establishing a particular correspondence relationship between track number information and group management information, for example, to be automatically edited in accordance with a new logical position to which a track has been moved, such editing and associated playlist operations can be greatly facilitated.

For example, independent claim 9 recites that “when an editing instruction is issued in order to change a logical position of said track belonging to one group, the correspondence relationship of said track number information and said group management information is automatically edited in accordance with a new logical

position of said track.” Applicants respectfully submit that this feature provides significant advantages over conventional playlist arrangements.

The Office Action alleges that Ijichi teaches all of the limitations currently recited in claim 9. Applicants respectfully traverse the Office Action’s interpretation of Ijichi at least because while Fig. 7 of Ijichi teaches that a user can organize tracks (TRK1, TRK 2 TRK 5) into playlists (PL1 and PL2), there is no teaching of claim 9’s feature of providing an automatic editing of a correspondence relationship between track number information and group management information when an editing instruction is issued in order to change a logical position of a track belonging to a group. In particular, Ijichi is not concerned with moving a track from one playlist to another and causing a resultant automatic editing of a correspondence relationship between the track number and group management information, in the manner recited in claim 9.

Applicants go on to traverse the rejection of independent claim 9 for the following additional reasons. The Office Action states that in Ijichi, the track number of TRK1-TRK5 changes a logical position on play-lists PL1 and PL2 and the correspondence relationship of track number information and group management information is automatically edited according to the new logical position of tracks TRK1-TRK5. However, Applicants respectfully submit that this interpretation of Ijichi is not technically accurate.

In particular, the Office Action appears to be interpreting the track number information of embodiments of the instant application’s disclosure as the NUMBER indicated in play-lists PL1 and PL2 in FIG. 7. However, Applicants respectfully submit that this NUMBER is not imparted to one track. Instead, this NUMBER merely indicates

the order of a playback of a track. Therefore, if the logical position on play-list PL1 is changed, the NUMBER itself is not edited. The NUMBER is constant. For example, in FIG. 7, if the order of TRK3 is changed from No. 1 to No. 2, the NUMBER "1" indicating the order of TRK3 is not rewritten to the NUMBER "2". TRK3 is merely placed on logical position originally indicated by the NUMBER "2".

Applicants respectfully submit that in Ijichi, PTK1-5 described in FIG. 7 correspond to track number information of the present information, and TOC corresponds to the group management information of disclosed embodiments of the instant application. However, the relationship of PTK1-5 and TOC is not edited. It is constant.

Therefore, Applicants note that in Ijichi, if the track number of TRK1-TRK5 changes a logical position on play-list PL1 and PL2, the correspondence relationship of track number information and group management information is edited. Accordingly, for at least the foregoing reasons, Applicants respectfully submit that Ijichi does not teach or suggest all of the features recited in the combination of independent claim 9.

Similarly, Applicants also respectfully traverse the rejection of independent claim 18 under 35 U.S.C. § 102(b) at least because the wherein clause recited in that claim is not shown, nor even suggested, by the disclosure of Ijichi.

Applicants also respectfully traverse the rejections of independent claims 13, 14 and 17 under 35 U.S.C. § 103(a), at least because the wherein clauses respectively recited in each of these claims are also not shown, nor even suggested, by the disclosure of Ijichi. Moreover, the Examiner concedes at pages 5-6 of the Office Action that these features of claims 13, 14 and 17 are not specifically disclosed by Ijichi, but then goes on to allege that it would be obvious to meet these features.

Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because Ijichi does not teach or suggest each feature of independent claims 9, 13, 14, 17 and 18. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 10-12 and 15-16 are allowable at least because of the dependence from their respective independent claims 9 and 13, and the reasons set forth above.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request withdrawal of all outstanding rejections and the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be

required, including any required extension of time fees, or credit any overpayment to

Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE**


PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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